

On a personal note, I take offense to the assumption by the content industry to label me a "criminal", before an actual crime has been committed. In this country, the guiding principle is "innocent until proven guilty". This legislation is one step towards take that principle away. I record media for my personal use; I do not sell it, I do not profit from the recordings I make, and I certainly do not allow just anyone to access it. I spend plenty of my money on produced media each year, both on the actual media (such as DVDs and CDs), and on streaming content (cable and Internet). Because I record such content for later viewing or for my personal collection does not make me a criminal, which this legislation is attempting to do.

If the industry wants to police piracy, then they must target the true pirates: those that make wholesale copies of existing media, whether it be in DVD, CD, or tape format (and this even includes print media), in the hundreds of thousands of copies, including the cover art, and sell this pirated media as if they were real. The medial industry's targeting of the individual consumers for creating compressed digital copies of their own media is alot like shooting the chicken instead of the fox.

Please, do not allow this legislation to pass in its present form. I agree with the statements written below, that they content providers need to show proof that their attempts at preventing piracy will actually stop the real pirates, rather than criminilaize ordinary citizens for exercising their fair use rights.

Thank you.

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As a consumer of digital content, I have a grave concern about the proposed Broadcast Flag. I enjoy the flexibility and control that technology gives me. I can be more than a passive recipient of content; I can modify, create and participate. Technology currently gives me more choices by allowing me to record a television program and watch it later; clip a small piece of TV and splice it into a home movie; send an email clip of my child's football game to a distant relative; or record a TV program onto a DVD and play it at my friend's apartment. The broadcast flag seems designed to remove this control and flexibility that I enjoy.

Historically, the law has allowed for those not affiliated with creating content to come up with new, unanticipated ways of using it. For example, Sony invented the modern VCR -- a movie studio did not. (Sony did not own a movie studio at the time.) Diamond Multimedia invented the MP3 player -- a recording label did not. Unfortunately, the broadcast flag has the potential to put an end to that dynamic. Because the broadcast flag defines what uses are authorized and which are not, unanticipated uses of content which are not foreseeable today are by default unauthorized. If we allow the content industry to "lock in" the definition of what is and is not legitimate use, we curtail the ability for future innovation - unanticipated but legal uses that will benefit consumers.

I am a law-abiding consumer who believes that piracy should be prevented and prosecuted. However, if theoretical prevention comes at the cost of prohibiting me from making legal, personal use of my content, then the FCC should be working to protect all consumers rather than enable those who would restrict consumer rights. In the case of the broadcast flag, it seems that it will have little effect on piracy. With file-sharing networks, a TV program has only to be cracked once, and it will propagate rapidly across the Internet. So, while I may

be required to purchase consumer electronic devices that cost more and allow me to do less, piracy will not be diminished.

In closing, I urge you to require the content industry to demonstrate that its proposed technologies will allow for all legal uses and will actually achieve the stated goal of preventing piracy. If they cannot, I urge you not to mandate the broadcast flag.